

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Patent Application of:

Abraham THIJSEN et al.

Application No.: 10/654,487

Confirmation No.: 5210

Filed: September 4, 2003

Art Unit: 2164

For: A METHOD AND APPARATUS FOR  
MANAGING DOCUMENT DATA FOR  
EVENTUAL PRESENTATION TO A USER

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Examiner: R. Mahmood

**BRIEF ON APPEAL**

**MS AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

As required under § 41.37(a), this brief is filed within two months of the Notice of Appeal filed in this application on October 30, 2010, and is in furtherance of said Notice of Appeal.

The fees required under § 41.20(b)(2) are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37  
and M.P.E.P. § 1206:

- I. Real Party In Interest
- II. Related Appeals and Interferences
- III. Status of Claims
- IV. Status of Amendments
- V. Summary of Claimed Subject Matter
- VI. Grounds of Rejection to be Reviewed on Appeal
- VII. Argument
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- Appendix C: Related Proceedings

**I. Real Party In Interest**

The real party in interest for this application is OCÉ-TECHNOLOGIES B.V., as evidenced by an Assignment recorded on October 27, 2003 at Reel 014631, Frame 0739.

## **II. Related Appeals and Interferences**

To the best of Appellants' knowledge, there are no other prior or pending appeals of this application, or patent interference proceedings, or judicial proceedings which may be related to, directly affect, or be directly affected by, or have a bearing on the Board's decision of this Appeal.

### **III. Status of Claims**

In the application on appeal, claims 1-21 are present in this application. Claims 1, 18 and 21 are independent.

Claims 1-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,651,120 to Chiba in view of JP 10-021796 to Takashi.

**IV. Status of Amendments**

The Amendment filed on July 28, 2009 has been entered.

**V. Summary of the Claimed Subject Matter**

Note, all paragraph references, below, are made with respect to the application as originally filed.

Independent claim 1 is directed to a managing method for managing data that represents a document for eventual presentation to a user, based on said data, which comprises the steps of: acquiring the data from an appropriate document source in a source representation (disclosed, for example, in paragraph [0026] and in originally filed claim 1); selectively converting the data in source representation to data in destination representation while selectively storing in a database managed data in an intermediate representation (disclosed, for example, in the Abstract and in originally filed claims 1, 2 and 18 and in paragraph [0027]); first, assessing quantitative storage constraints associated with storing the managed data (disclosed, for example, in paragraphs [0008], [0009], the Abstract, originally filed claims 1, 2 and 18); second, assessing quantitative physical converting constraints associated with converting the stored managed data from the source representation to the presentation representation (disclosed, for example, in the Abstract, originally filed claims 1, 4-6 and 18, and in paragraph [0022]) and executing the converting before said storing, and/or after said storing, respectively, on a dynamic trade-off basis between said first assessment and said second assessment, while further considering one or more applicable source profiles and one or more destination profiles (disclosed, for example, in originally filed claims 2 and 18 and in paragraph [0034]), wherein the selectively converting step selectively converts the data in the source representation to the data in the destination representation based on an idiosyncratic destination profile of a destination apparatus represented by the destination representation automatically and without receiving a specification of a conversion form of the data in the destination representation from a user (disclosed, for example, in paragraph [0034]).

Claim 18 is directed to a management system for managing information that represents a document for eventual presentation to a user, based on said data and provided by a destination profile (disclosed, for example, [0032]), which comprises: acquiring means (module 101, for example, shown in Fig. 1 and described in paragraph [0026]) for acquiring said information from an appropriate document source in a source representation, converting means (module 104, for example, shown in Fig. 1 and described in paragraph [0027]) for selectively converting the data in source representation to data in destination representation (disclosed, for example, in the Abstract and in originally filed claims 1, 2 and 18), storing means (105, shown, for example, in Fig. 1 and described, for example, in paragraph [0020]) for selectively storing, in a database, managed data as an intermediate item of said management system (disclosed, for example, in paragraph [0032]), assessing means (part of image base manager 103, disclosed, for example, in paragraph [0020]) for assessing first quantitative storage constraints associated with storing said managed information, second quantitative converting constraints associated with converting said stored data in source representation to said data in destination representation and third quantitative physical transferring constraints associated with transferring said managed data over a transfer facility (disclosed, for example, in paragraphs [0006], [0029] and [0034], including with reference to Fig. 6) and execution means (604, shown in Fig. 6 and described, for example, in paragraph [0034]) for executing said converting before said storing, and/or after said storing and/or after said transferring, on a dynamic trade-off basis (described, for example in paragraph [0007]), produced by said assessing means (part of image base manager 103 – see paragraph [0020]), wherein the converting means (module 104, for example, shown in Fig. 1 and described in paragraph [0027]) selectively converts the data in the source representation to the data in the destination representation based on an idiosyncratic destination profile of a destination apparatus



represented by the destination representation automatically and without receiving a specification of a conversion form of the data in the destination representation from a user (as described, for example, in paragraph [0034]).

Claim 21 is directed to a managing method for managing data that represents a document for eventual presentation to a user, based on said data, which comprises the steps of: acquiring the data from an appropriate document source in a source representation (disclosed, for example, in paragraph [0032] and in originally filed claim 1), selectively converting the data in source representation to data in destination representation, while selectively storing in a database managed data in an intermediate representation (disclosed, for example, in the abstract and in originally filed claims 1, 2 and 18 and paragraphs [0018] and [0032]), first, assessing quantitative storage constraints associated with storing the managed data (disclosed, for example in paragraphs [0008] and [0009], the abstract and originally filed claims 1, 2 and 18), second, assessing quantitative physical converting constraints associated with converting the stored managed data from the source representation to the presentation representation (disclosed, for example, in the Abstract, originally filed claims 1, 4-6 and 18, and in paragraph [0022]), and executing the converting before said storing, and/or after said storing, respectively, on a dynamic trade-off basis between said first assessment and said second assessment (disclosed, for example in paragraph [0007] and [0023]), while further considering one or more applicable source profiles and one or more applicable destination profiles, using an optimum procedure for printing scanned images on a variety of output devices, and using a single button activation of a representation retrieved from the database (disclosed, for example, in paragraph [0023]), wherein the selectively converting step selectively converts the data in the source representation to the

data in the destination representation based on an idiosyncratic destination profile of a destination apparatus represented by the destination representation automatically and without receiving a specification of a conversion form of the data in the destination representation from a user (disclosed, for example, in paragraph [0034]).

**VI. Grounds of Rejection to be Reviewed on Appeal**

Claims 1-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,651,120 to Chiba in view of JP 10-021796 to Takashi.

## VII. Argument

Claims 1-21 patentably define over Chiba in view of Takashi. Appellants respectfully submit that claim 21 does not stand or fall together with claims 1 and 18, for reasons presented below.

Chiba, the primary reference, differs substantially from the claimed invention for a number of reasons.

Firstly, Chiba is clearly limited to an image data conversion system in which a user selects image data stored on the side of an image reading/displaying device, and, at the same time, the user specifies the type of transferred data after conversion, for the explicit purpose of eliminating the operations required for converting data after the data transfer (col. 2, lines 23-29). Because of this, there is no need to perform any of the claimed features of the invention other than acquiring the document representation data in a source representation.

Secondly, Chiba is clearly limited to using a data converting unit 4 which converts data based on an instruction from an operating instruction unit 3 which receives an instructions from a user concerning a specification of image data to be converted and specification of data after conversion of the image data (col. 4, lines 18-22).

In other words, Chiba's converting unit does not disclose the claimed features recited in independent claims 1, 18 and 21, and in the dependent claims, other than the data acquiring feature because, before it does any image data conversion, it has to be given instructions, selected by a user, which specify the type of image data to be converted and which specify the type of image data into which the image data is converted. Chiba can convert image data into text data, for example, or into image data having a different resolution than the resolution of the input image data.

Contrary to what is asserted on page 6 of the final rejection, Chiba does not disclose selectively storing managed data information in a database in an intermediate representation, as recited. To support its position, the Office Action first relies on a prior art device mentioned in Chiba, instead of on Chiba's disclosed system. In this regard, col. 1, lines 17-33 of Chiba (which refers to prior art) merely discloses that image data read by a reading unit is stored in an image data storing unit 103, transferred to a data transferring unit 107, and stored in an image data storing unit 106, and mentions nothing about storing managed data information in a database, let alone in an intermediate representation. The Office Action also relies on col. 2, lines 35-54. However, this disclosure of the invention merely mentions the type of image data conversion and completely fails to disclose anything about storing managed data information in a database, let alone in an intermediate representation. Lastly, the Office Action relies, in this regard, on item 18 in Fig. 10, which is a data converting unit that converts image data into mail data, which clearly contains no disclosure of storing managed data information in a database, let alone in an intermediate representation.

Thus, the positively recited feature, i.e., of selectively converting the data in source representation to data in destination representation, which selectively storing in a database managed data in an intermediate representation, is not disclosed by Chiba.

The Office Action then admits that Chiba does not disclose (1) first, assessing quantitative storage constraints associated with storing the managed data, and (2) second, assessing quantitative physical converting constraints associated with converting the stored managed data from the source representation to the presentation representation.

In an attempt to remedy these admitted shortcomings of Chiba, the Office Action turns to Takashi. However, Takashi is directed to a significantly different invention than Chiba, which is

so different that these two references teach away from being combined, as suggested.

In this regard, Appellants respectfully submit that Takashi is limited using a PC to determine in what format, image data has been stored in a camera memory, determining the best format in which that data should be stored, determining whether the actual format in which the image data has been stored in the camera is the best format and, if it is not, then converting the stored data in the camera memory to the best format and storing in the camera memory, the image data that has been converted to the best format. This conversion is done by Takashi's PC without instructions by a user.

However, the Office Action never explains what this has to do with Chiba's system, which does not deal with a camera, or with converting image data stored in the camera's memory to a best format, or what a best format for storing image data in a camera memory has to do with Chiba's system which requires a user to specify the type of transferred data after conversion before it is converted, for the explicit purpose of eliminating the operations required for converting data after the data transfer, or why one of ordinary skill in the art would be properly motivated to turn to such a system that is limited to automatically converting image data stored in a camera memory to a best format, to modify Chiba, which is directed to converting image data read by an image reading device to a separate different type of data to be displayed by a display device, where a user is required to manually specify the converted image type before the conversion takes place.

Appellants respectfully submit that using Takashi's automatic conversion scheme using a predetermined "best" data format in which to save an image taken by a camera in that camera's memory bears no reasonable relation to Chiba's specifying converting a "document for eventual presentation" to a different format in which the document is to be eventually presented, where

Chiba requires a manual input of the output representation format, which clearly can, and in practice does, differ which would be fundamentally frustrated to as to be inoperative for its intended purpose, i.e., conversion to a user selected desired one of many possible output representation formats.

Furthermore, the Office Action never explains how Takashi's best format determination feature can be used to substitute for Chiba's user manual input feature, and Appellants respectfully submit that one of ordinary skill in the art would not be motivated to substitute Takashi's best format determination and automatic conversion to a best format feature in Chiba because the so-modified version of Chiba would always convert to a single format with no way of knowing whether that format would be desired by Chiba's users.

Additionally, Takashi's system merely chooses the best camera image storage format based on image quality or capacity, for example, and not on any image characteristic or parameter that has to be inputted by a user on an *ad hoc* basis, as is required by Chiba's system to function properly. For this reason, modifying Chiba in view of Takashi would result in a device that would not work for its intended purpose because Chiba requires user input prior to image format conversion regarding the converted image, whereas Takashi has no provision for this and is directed to a fundamentally different conversion, i.e., conversion of a camera image memory storage format regarding images taken by the camera, than in Chiba, which has nothing to do with conversion of a camera image storage format regarding images taken by a camera and, instead, is limited to conversion of image data that is already stored after having been imaged by an image reader, for example, into a user selectable format that is going to be reproduced.

The Office Action then admits that the Chiba-Takashi reference combination fails to disclose wherein the selectively converting step selectively converts the data in the source

representation to the data in the destination representation based on an idiosyncratic destination profile of a destination apparatus represented by the destination representation automatically and without receiving a specification of a conversion form of the data in the destination representation from a user.

In an attempt to remedy this admitted shortcoming, the Office Action turns to Veilleux, which converts color images using one profile automatically to a standard intermediate profile on a server and, subsequently, to a destination profile based solely on an input request from a user (client) – see paragraph [0064].

However, Veilleux, like Chiba, has no disclosure whatsoever of the claimed conversion on a dynamic trade-off basis between a first assessment and a second assessment while further considering one or more source profiles and one or more applicable destination profiles, or wherein the selectively concerting step converts data to a destination representation automatically without receiving a specification of a conversion form of the data in the destination representation from a user. In fact, Veilleux requires manual input from a user to download and convert the image characteristics to the color characteristics of the user (client).

Thus, even if one of ordinary skill in the art were properly motivated to combine the three applied references, as suggested (which they would not be properly motivated to do for reasons presented above), the so-modified version of Chiba would clearly not result in, suggest, or otherwise render obvious, the claimed invention.

Furthermore, claim 21 recites a combination of features, including executing the converting before said storing, and/or after said storing, respectively, on a dynamic trade-off basis between said first assessment and said second assessment, while further considering one or more applicable source profiles and one or more applicable destination profiles, using an optimum



procedure for printing scanned images on a variety of output devices, and using a single button activation of a representation retrieved from the database,

Appellants respectfully submit that none of the applied references disclose or suggest the claimed invention, including using an optimum procedure for printing scanned images on a variety of output devices, and using a single button activation of a representation retrieved from the database.

Accordingly, the Office Action fails to make out a *prima facie* case of obviousness of the claimed invention, and should be reversed.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

#### VIII. Claims

A copy of the claims involved in the present appeal is attached hereto as Appendix A.

Dated: October 28, 2010

Respectfully submitted,

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## APPENDIX A: CLAIMS

1. (Previously Presented) A managing method for managing data that represents a document for eventual presentation to a user, based on said data, which comprises the steps of:

acquiring the data from an appropriate document source in a source representation, selectively converting the data in source representation to data in destination representation, while selectively storing in a database managed data in an intermediate representation,

first, assessing quantitative storage constraints associated with storing the managed data, second, assessing quantitative physical converting constraints associated with converting the stored managed data from the source representation to the presentation representation, and

executing the converting before said storing, and/or after said storing, respectively, on a dynamic trade-off basis between said first assessment and said second assessment, while further considering one or more applicable source profiles and one or more applicable destination profiles,

wherein the selectively converting step selectively converts the data in the source representation to the data in the destination representation based on an idiosyncratic destination profile of a destination apparatus represented by the destination representation automatically and without receiving a specification of a conversion form of the data in the destination representation from a user.

2. (Original) The method of Claim 1, further comprising the steps of:  
third, assessing the quantitative physical transfer constraints associated with transferring the managed data over a transfer facility of an applicable distributed system, and in said

execution providing a further dynamic trade-off basis through the application of the third assessment.

3. (Original) The method of Claim 1, wherein the document essentially relates to an image.

4. (Original) The method as claimed in Claim 1, wherein the quantitative physical storage constraints are based on storage space availability, the quantitative physical converting constraints are based on destination delay allowability, and the quantitative physical transfer constraints are based on transfer facility availability and/or transfer duration.

5. (Original) The method of Claim 4, wherein the quantitative physical converting constraints and/or the quantitative physical transfer constraints are based on a quality-of-service metric.

6. (Original) The method of Claim 2, wherein the quantitative physical storage constraints, the quantitative physical converting constraints, and the quantitative physical transfer constraints are made comparable through assigning to the respective constraints appropriate absolute values of a cost metric.

7. (Original) The method of Claim 1, executed by consulting a rule base.

8. (Original) The method of Claim 1, wherein the converting is effected through a sequence of sub-conversions to produce one or more intermediate representations which are stored in lieu of storing an eventual destination representation.

9. (Original) The method of Claim 1, wherein available storage space is optimally assigned to the storing of various documents in various representations for future user requests for image presentations.

10. (Original) The method of Claim 9, wherein coexistent storage of a particular document in a plurality of different representations is provided.

11. (Original) The method of Claim 1, wherein document data is maintained in the database, governed by one or more persistency rules.

12. (Original) The method of Claim 1, wherein document data in the database is governed by one or more garbage collection rules.

13. (Original) The method of Claim 1, wherein further image presentation is allowed in a thumbnail version.

14. (Original) The method of Claim 1, wherein a source device is substantially uniformly operated at its highest possible image presenting quality level.

15. (Original) The method of Claim 1, wherein a source device is operated at an image processing level quality that is at least co-determined by the eventual requirements associated with an intended user device and/or application.

16. (Original) The method of Claim 1, wherein an application to invoke a remote server facility is provided through a remote interface.

17. (Original) The method of Claim 1, which comprises, providing for operation with multiple users, a data consistency maintained through an appropriate locking mechanism.

18. (Previously Presented) A management system for managing information that represents a document for eventual presentation to a user, based on said data and provided by a destination profile, which comprises:

acquiring means for acquiring said information from an appropriate document source in a source representation,

converting means for selectively converting the data in source representation to data in destination representation,

storing means for selectively storing, in a database, managed data as an intermediate item of said management system,

assessing means for assessing first quantitative storage constraints associated with storing said managed information, second quantitative converting constraints associated with converting said stored data in source representation to said data in destination representation and third

quantitative physical transferring constraints associated with transferring said managed data over a transfer facility, and

execution means for executing said converting before said storing, and/or after said storing and/or after said transferring, on a dynamic trade-off basis, produced by said assessing means,

wherein the converting means selectively converts the data in the source representation to the data in the destination representation based on an idiosyncratic destination profile of a destination apparatus represented by the destination representation automatically and without receiving a specification of a conversion form of the data in the destination representation from a user.

19. (Original) The system of Claim 18 comprising one or more source facilities, and one or more destination facilities linked with each other through a transfer facility for the physical managing of information contained in a data base facility and a server facility.

20. (Original) A computer program containing a set of instructions which, when used in a general-purpose computer, performs the managing method of Claim 1.

21. (Previously Presented) A managing method for managing data that represents a document for eventual presentation to a user, based on said data, which comprises the steps of:

acquiring the data from an appropriate document source in a source representation,

selectively converting the data in source representation to data in destination representation, while selectively storing in a database managed data in an intermediate

representation,

first, assessing quantitative storage constraints associated with storing the managed data, second, assessing quantitative physical converting constraints associated with converting the stored managed data from the source representation to the presentation representation, and executing the converting before said storing, and/or after said storing, respectively, on a dynamic trade-off basis between said first assessment and said second assessment, while further considering one or more applicable source profiles and one or more applicable destination profiles, using an optimum procedure for printing scanned images on a variety of output devices, and using a single button activation of a representation retrieved from the database,

wherein the selectively converting step selectively converts the data in the source representation to the data in the destination representation based on an idiosyncratic destination profile of a destination apparatus represented by the destination representation automatically and without receiving a specification of a conversion form of the data in the destination representation from a user.

## **APPENDIX B: EVIDENCE**

No evidence pursuant to §§ 1.130, 1.131 or 1.132 or entered by or relied upon by the examiner is being submitted.



### **APPENDIX C: RELATED PROCEEDINGS**

No related proceedings are referenced in II. above, hence copies of decisions in related proceedings are not provided.